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SENATE BILL 683

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

H. Diane Snyder

AN ACT

RELATING TO CRIME; CREATING THE CRIME STOPPERS COMMISSION;  
GRANTING POWERS AND DUTIES; PROVIDING FOR THE CONFIDENTIALITY  
OF RECORDS; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMMISSION-- CREATION-- COMPOSITION-- VACANCIES--  
SALARIES.--

A. There is created the "crime stoppers  
commission". The commission shall consist of ten members, six  
of whom shall be appointed from local crime stoppers programs  
and four of whom shall be members at large. All members of the  
crime stoppers commission shall be appointed by the governor  
for two-year terms. The commission shall elect from among its  
members a chair and any other officers it deems necessary.

B. A vacancy on the commission shall be filled by

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1 an appointment by the governor for the unexpired term. A  
2 vacancy on the commission shall not impair the right of the  
3 remaining members to exercise all the powers of the commission.

4 C. Members of the commission shall receive per diem  
5 and mileage as provided in the Per Diem and Mileage Act and  
6 shall receive no other compensation, perquisite or allowance.

7 Section 2. PURPOSE OF COMMISSION. --The purpose of the  
8 crime stoppers commission is to assist in the creation and  
9 maintenance of local crime stoppers programs and in their  
10 promotion and exposure through the media and to help law  
11 enforcement agencies detect and combat crime by increasing the  
12 flow of information to law enforcement agencies and by  
13 stimulating and encouraging such flow between law enforcement  
14 agencies and personnel.

15 Section 3. POWERS AND DUTIES OF COMMISSION-- SURETY  
16 BONDS. --

17 A. The powers and duties of the crime stoppers  
18 commission are to:

19 (1) formulate, approve and adopt policies and  
20 rules under which it will carry out its purpose;

21 (2) appoint, with the approval of the  
22 governor, an executive director who shall be the chief  
23 executive and administrative officer of the commission;

24 (3) advise and assist in the creation and  
25 maintenance of local crime stoppers programs;

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1 (4) foster the detection of crime and  
2 encourage the citizenry, through a reward program or otherwise,  
3 to come forward with information that will promote the  
4 prosecution of criminal activity;

5 (5) encourage the media of this state to  
6 promote the functions of state and local crime stoppers  
7 programs;

8 (6) arrange for the channeling of information  
9 collected through the various crime stoppers programs to proper  
10 law enforcement agencies and personnel; and

11 (7) accept contributions made pursuant to  
12 court order, gifts, endowments or bequests. Funds received  
13 pursuant to this paragraph may be deposited in one or more  
14 banks and expended by checks drawn by the executive director  
15 with the approval of the commission. Funds received pursuant  
16 to this paragraph may be expended without submission of  
17 vouchers, purchase orders or contracts to the department of  
18 finance and administration as otherwise required by Section  
19 6-5-3 NMSA 1978. The funds are not subject to audit or to the  
20 provisions of the Procurement Code.

21 B. A member, officer or employee of the commission  
22 shall give bond as provided in the Surety Bond Act. The  
23 commission shall pay the costs of the bonds.

24 Section 4. CONFIDENTIALITY--PENALTY.--

25 A. It is unlawful for a member, officer or employee

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1 of the crime stoppers commission, except in furtherance of its  
2 purpose, to reveal to any individual, other than the proper law  
3 enforcement agencies, any information of a criminal nature  
4 gained through the commission's activities.

5 B. A member, officer or employee of the commission  
6 who reveals to another individual any information that he is  
7 prohibited from lawfully revealing pursuant to the provision of  
8 Subsection A of this section is guilty of a misdemeanor and  
9 shall, upon conviction thereof, be fined not more than one  
10 thousand dollars (\$1,000) or imprisoned not more than one year,  
11 or both, together with costs of prosecution, and shall not be  
12 employed by the state for a period of five years after the date  
13 of the conviction.

14 C. The records, reports and files of the commission  
15 shall not be subject to subpoena, except on the motion of a  
16 party that the information given will be relevant and helpful  
17 to the defense of an accused or is necessary to the fair  
18 determination of the issue of guilt or innocence in a criminal  
19 case or of a material issue on the merits in a civil case. The  
20 court may subpoena the records and conduct an in camera  
21 inspection of the records to determine whether the materials  
22 contain evidence that is exculpatory to the defendant or  
23 contains information necessary to plead a civil cause of  
24 action.

25 D. If the court determines that the materials

1 produced contain evidence that is exculpatory to the defendant,  
2 or are of a material issue on the merits in a civil case, the  
3 court shall present the evidence to the defendant in a form  
4 that does not disclose the identity of the person that was the  
5 source of the evidence, unless the state or federal  
6 constitution require the disclosure.

7 Section 5. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2003.

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